THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME I NUMBER 181

Washington, Tuesday, November 24, 1936

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48645]

PORT OF ENTRY

DESIGNATION OF ORANGE, TEXAS, AS A CUSTOMS PORT OF ENTRY

NOVEMBER 18, 1936.

To Collectors of Customs and Others Concerned:

There is published below for the information of customs officers and others concerned the following Executive Order, dated November 14, 1936, designating Orange, Texas, as a customs port of entry in Customs Collection District No. 21 (Sabine), with headquarters at Port Arthur, Texas, effective as of the date of the order.

[SEAL] JAMES H. MOYLE,
Commissioner of Customs.

EXECUTIVE ORDER

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, 38 Stat. 609, 623 (U. S. C., title 19, sec. 2), I hereby designate Orange, Texas, as a customs port of entry in Customs Collection District No. 21 (Sabine), effective this date.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
November 14, 1936.

[F. R. Doc. 3490—Filed, November 21, 1936; 10:33 a. m.]

Bureau of Internal Revenue.

[T. D. 4713]

DISTILLED SPIRITS AND WINES RECTIFIED IN BONDED MANUFACTURING WAREHOUSES, CLASS SIX

To District Supervisors, Collectors of Customs, and Others Concerned:

Section 404 of the Liquor Tax Administration Act (Public—No. 815—74th Congress) provides as follows:

SEC. 404. Section 311 of the Tariff Act of 1930 (U. S. C., 1934 ed., title 19, sec. 1311) is amended by adding a paragraph at the end thereof, reading as follows:

Distilled spirits and wines which are rectified in bonded manufacturing warehouses, class six, and distilled spirits which are reduced in proof and bottled in such warehouses, shall be deemed to have been manufactured within the meaning of this section, and may be withdrawn as hereinbefore provided, and likewise for shipment in bond to Puerto Rico, subject to the provisions of this section, and under such regulations as the Secretary of the Treasury may prescribe, there to be withdrawn for consumption or be rewarehoused and subsequently withdrawn for consumption: *Provided*, That upon withdrawal in Puerto Rico for consumption, the duties imposed by the customs laws of the United States shall be collected on all imported merchandise (in its condition as imported) and imported containers used in the manufacture and putting up of such spirits and wines in such warehouses: *Provided further*, That no internal-revenue tax shall be imposed on distilled spirits and wines rectified in class six warehouses if such distilled spirits and wines are exported or shipped in accordance with the provisions of this section, and that no person rectifying distilled spirits or wines in such warehouses shall be subject by reason of such rectification to the payment of special tax as a rectifier.

1. In accordance with Section 311 of the Tariff Act of 1930, as amended by Section 404 of the Liquor Tax Administration Act, distilled spirits may be removed from internal revenue bonded warehouses without payment of tax and transported to bonded manufacturing warehouses, class 6, to be rectified, or reduced in proof and bottled, and exported or shipped to Puerto Rico. Wines may be removed from bonded wineries or bonded wine storerooms without payment of tax and transported to bonded manufacturing warehouses, class 6, to be rectified and exported or shipped to Puerto Rico.

2. Withdrawal of distilled spirits from internal revenue bonded warehouses and transportation to bonded manufacturing warehouses, class 6, will be in accordance with the procedure set out in Regulations 29, United States Internal Revenue.

3. Removal of wine from a bonded winery or bonded storeroom, free of tax, for transportation to a bonded manufacturing warehouse, class 6, shall be as follows:

(a) The proprietor of a bonded manufacturing warehouse, class 6, desiring to remove wine to such warehouse from a bonded winery or bonded storeroom, free of tax, for rectification, and exportation or shipment to Puerto Rico, will file with the Supervisor of the district in which the winery or bonded storeroom is located, a bond on Form 1580, executed in triplicate, in a penal sum equal to the amount of the tax on the quantity of wine to be withdrawn, as specified in the entry, Form 711, and in no case less than $1,000. Bond Form 1580, so filed, shall be approved by the Supervisor if the proprietor of the bonded manufacturing warehouse has in all respects complied with the law and regulations. The original of the bond will be forwarded to the Deputy Commissioner, Alcohol Tax Unit. One copy will be forwarded to the principal, and the other copy will be retained by the Supervisor. Withdrawals may be made from time to time under the bond as long as it remains good and sufficient, or until it shall have been released or terminated by the order of the Commissioner or Supervisor.

(b) The Supervisor will keep an account with the bond, in which account the principal will be charged with the tax on each lot of wine removed for transportation to a bonded manufacturing warehouse, class 6, and will receive credit for the tax on each lot concerning which satisfactory proof of deposit in such warehouse is received. Wine shipped for transportation to a bonded manufacturing

FEDERAL REGISTER

Published by the Division of the FEDERAL REGISTER, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1 per month or $10 per year; single copies 5 cents; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the FEDERAL REGISTER, The National Archives, Washington, D. C.

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warehouse will be carried as unaccounted for until proof satisfactory to the Supervisor is received showing the deposit of the wine in such warehouse. No allowance of tax will be made on account of any loss of wines in transit to a bonded manufacturing warehouse, class 6.

(c) After having given the required bond, the proprietor of the bonded manufacturing warehouse, class 6, will execute and file with the Supervisor an entry, Form 711, in quintuplicate, modified for the purpose. Parts one and two of each copy will be fully executed. If the applicant has complied in all respects with the law and regulations, the Supervisor will note his approval on each copy of the entry, retain one copy thereof for his official files, return three copies to the applicant, and will forward the fourth copy to the proprietor of the bonded winery or bonded storeroom, as his authority to ship without payment of tax the wine described therein to the bonded manufacturing warehouse. Upon receipt of the approved copies of the entry, the proprietor of the bonded manufacturing warehouse, class 6, may withdraw the wines therein described for transportation to such warehouse without payment of tax. The packages containing such wines must be plainly marked "For deposit in bonded manufacturing warehouse, class 6", in letters not less than one inch in height, in addition to bearing the other marks and brands required by regulations. The wine must be consigned to the bonded manufacturing warehouse, class 6, in care of the Collector of Customs of the district in which the warehouse is located. Upon shipment of the wine from the winery, or bonded storeroom, the proprietor of the bonded manufacturing warehouse, class 6, will forward two copies of the entry, Form 711, to the Collector of Customs of the district in which the bonded manufacturing warehouse, class 6, is located. The other copy of the entry will be retained by the proprietor of the warehouse.

(d) Upon arrival of the wine at the warehouse, the Collector of Customs will direct the proper officer to inspect the wine and ascertain whether it is in all respects as described in the entry and will cause the wine to be deposited in the bonded manufacturing warehouse, class 6, named in the entry. Such officer will note any shortages on both copies of the entry. When the wine is deposited in the warehouse the Collector will fill out and execute the certificate on Part three of each copy of the entry, forward one copy to the Supervisor who approved it, and retain the remaining copy for his official files. The bill of lading or other document, if any, covering shipment of the wine must show the proprietor of the bonded manufacturing warehouse, class 6, as the shipper, the serial numbers of the packages, and the quantity of wine. As soon as the wine is shipped, the proprietor of the bonded manufacturing warehouse, class 6, will forward a copy of the bill of lading or other shipping document, if any, to the Supervisor of the district where the winery or bonded wine storeroom is located. If the wine is transported on trucks belonging to the proprietor of the bonded manufacturing warehouse, notation to that effect will be made on the entry Form 711. Upon receipt of the copy of the bill of lading or other shipping document, if any, and copy of the entry, bearing the certificate of deposit of the Collector, and after tax has been paid on any wine lost in transit, the Supervisor will make proper entries in

his bonded account, Form 733, and credit the account kept with the bond Form 1580.

Approved November 18, 1936.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 3488—Filed, November 21, 1936; 10:33 A. M.]

[T. D. 4714]

REMISSION AND REFUNDING OF TAXES ON LIQUERS, CORDIALS, AND SIMILAR COMPOUNDS PAID BY OR ASSESSED AGAINST RECTIFIERS AT THE DISTILLED SPIRITS RATE

To the Commissioner of Internal Revenue, Collectors of Internal Revenue, District Supervisors, and Others Concerned:

Section 613 of the Revenue Act of 1918, as amended by Section 7 of the Liquor Taxing Act of 1934 (U. S. C., 1934 ed., title 26, sec. 1300 (a) (2); U. S. C., 1934 ed., Supp. 1, title 26, sec. 1300 (a) (2)), and as further amended by Section 319 (d) of the Liquor Tax Administration Act (Public, No. 815, 74th Congress), reads in part as follows:

SEC. 613. (a) Upon the following articles which are produced in or imported into the United States, after the date of the enactment of the Liquor Tax Administration Act, or which on the day after such date are on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid, in lieu of the internal-revenue taxes imposed thereon by law prior to such date, taxes at rates as follows, when sold, or removed for consumption or sale:

* * * * *

On each bottle or other container of liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, containing sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, or apple brandy, 1¼ cents on each one-half pint or fraction thereof;

Any of the foregoing articles containing more than 24 per centum of absolute alcohol by volume (except vermouth, liqueurs, cordials, and similar compounds made in rectifying plants and containing tax-paid sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, or apple wine, fortified, respectively, with grape brandy, citrus-fruit, brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, or apple brandy) shall be classed as distilled spirits and shall be taxed accordingly.

The Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized to remit, refund, and pay back the amount of all taxes on such liqueurs, cordials, and similar compounds paid by or assessed against rectifiers at the distilled spirits rate prior to the date of the enactment of the Liquor Tax Administration Act.

Pursuant to the above-quoted authority of law, the following regulations are prescribed:

1. Any rectifier who, prior to the enactment of the Liquor Tax Administration Act (June 26, 1936), paid tax at the distilled spirits rate on liqueurs, cordials, and similar compounds containing sweet wine or citrus-fruit wine, fortified, respectively, with grape brandy or citrus-fruit brandy (the only wines among those named above authorized to be fortified in the manner indicated, prior to enactment of the Liquor Tax Administration Act), may have such tax refunded to him; and any rectifier against whom any such tax on such liqueurs, cordials, or similar compounds was assessed prior to the enactment of the Liquor Tax Administration Act may have such tax remitted and abated.

2. The phrase "at the distilled spirits rate" means the tax of $2.00 on each proof gallon of wine gallon when below proof, imposed on distilled spirits by Section 600 (a) of the Revenue Act of 1918, as amended (U. S. C., 1934 ed., title 26, sec. 1150 (a)).

3. Claims for refund or abatement under these regulations shall be prepared on Form 843 and filed in duplicate with the Collector of Internal Revenue of the district in which the tax was paid or assessed. The form shall be fully and accurately filled out and executed in accordance with the instructions printed thereon and in conformity with these regulations. Copies of Form 843 may be obtained from any Collector of Internal Revenue.

4. The claim shall show, in addition to the pertinent items listed in the form, (a) the date of the return (Form 237), if any, pursuant to which the tax was paid or assessed and the liquors removed from rectification; and (b) a description of the liquors and the number of proof gallons involved. If tax was paid or assessed on such liquors at the distilled spirits rate on more than one occasion, the claimant shall list the items in chronological order. The claimant shall attach a copy of each of the returns (Form 237) to the claim.

5. Each claim for refund shall be supported by evidence satisfactory to the Commissioner of Internal Revenue that the tax was actually paid to a Collector of Internal Revenue.

6. The provisions of existing regulations respecting the recording, scheduling, and disposition of claims for the abatement or refunding of taxes erroneously or illegally assessed or collected on liquors are hereby extended and made applicable to claims filed under these regulations.

Approved: Nov. 18, 1936.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 3489—Filed, November 21, 1936; 10:33 a. m.]

DEPARTMENT OF THE INTERIOR.

Division of Grazing.

GRAZING DISTRICT NOTICE

Pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), commonly known as the Taylor Grazing Act, as amended June 26, 1936, notice is hereby given that a hearing will be held by the Department of the Interior for the purpose of considering the establishment of Grazing District No. 5, State of Colorado, Counties of Fremont, Park, and Saguache, at the following place and time and any place or time to which such hearing may be adjourned:

State	*Place*	*Date*	*Hour*
Colorado	Salida	January 25, 1937	10 a. m.

This hearing will be open to the attendance of State officials, settlers, residents, and livestock owners, who are interested in the grazing use of the public domain in said State.

Date, Nov. 16, 1936.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 3496—Filed, November 23, 1936; 10:00 a. m.]

General Land Office.

[Circular No. 1413]

REGULATIONS GOVERNING MOTOR TRUCK OR WAGON ROAD RIGHTS OF WAY UNDER THE ACT OF JANUARY 21, 1895 (28 STAT. 635), AS AMENDED BY THE ACT OF MAY 11, 1898 (30 STAT. 404)

OCTOBER 26, 1936.

Registers, U. S. Land Offices:

SIRS: For some years it has been the practice of the Department to approve maps filed under the act of January 21, 1895 (28 Stat. 635), as amended by section 1 of the act of May 11, 1898 (30 Stat. 404), showing rights of way for motor truck roads used in connection with logging operations and to approve maps showing rights of way for narrow gauge railroads used in connection with such operations.

On May 21, 1936, the Department approved an office letter (1641472) addressed to the representative of a mining company holding that the said act as amended is applicable to rights of way for motor truck or wagon roads used in connection with the other businesses enumerated in the act of January 21, 1895, namely, mining or quarrying.

You will, therefore, accept applications under the said act, as amended, for rights of way for tramways, tramroads, mo-

tor truck and wagon roads to be used in connection with the businesses enumerated in the act.

Very respectfully,

ANTOINETTE FUNK,
Acting Commissioner.

Approved, Oct. 26, 1936.

(Sgd.) T. A. WALTERS,
First Assistant Secretary.

[F. R. Doc. 3487—Filed, November 21, 1936; 9:59 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

PROCLAMATION MADE BY THE SECRETARY OF AGRICULTURE CONCERNING THE BASE PERIOD WITH RESPECT TO THE MARKETING AGREEMENT AND ORDER REGULATING THE HANDLING OF ONIONS GROWN IN THE STATE OF COLORADO

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act, approved May 12, 1933, as amended, the Secretary of Agriculture does hereby find and proclaim that with respect to the execution of a marketing agreement and the issuance of an order regulating the handling of onions grown in the State of Colorado, the purchasing power of such onions during the base period, August 1909–July 1914, cannot satisfactorily be determined from available statistics of the Department of Agriculture but that the purchasing power of onions grown in the State of Colorado can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period, August 1919–November 1928. The post-war period, August 1919–November 1928, is hereby declared and proclaimed to be the base period with respect to onions grown in the State of Colorado to be used in ascertaining the purchasing power of such onions for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of onions grown in the State of Colorado.

In witness whereof the Secretary of Agriculture has executed this proclamation in duplicate and has hereunto set his hand and caused the seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this the 21st day of November 1936.

[SEAL] W. R. GREGG,
(Acting) Secretary of Agriculture.

[F. R. Doc. 3513—Filed, November 23, 1936; 1:02 p. m.]

Bureau of Agricultural Economics.

REVOCATION OF REGULATIONS FOR THE STORAGE OF POTATOES UNDER THE U. S. WAREHOUSE ACT

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. L., p. 486), as amended, regulations for the storage of potatoes under said Act were approved May 10, 1924.

In view of the limited use that has been made of said regulations and that no warehousemen have been licensed for over two years to store potatoes, I, Secretary of Agriculture, do hereby revoke said regulations for the storage of potatoes, such revocation to become effective immediately.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be hereunto affixed in the City of Washington, this 20th day of November 1936.

[SEAL] W. R. GREGG,
Acting Secretary of Agriculture.

[F. R. Doc. 3491—Filed, November 21, 1936; 12:14 p. m.]

Bureau of Animal Industry.

[Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

OCTOBER 1, 1936.

In accordance with the authority contained in Section 2, Regulation 7, B. A. I. Order 309, dated March 5, 1928, and effective May 1, 1928, as amended September 10, 1936, the counties and parts thereof named in Declaration No. 11, dated July 1, 1936, and amendments 1 and 2 thereto, are hereby declared "Modified Accredited Areas" until the dates specified in said mentioned declaration and amendments, and the following named counties and municipalities in the States named are hereby declared "Modified Accredited Areas" for a period of three years from October 1, 1936:

Counties

New Jersey: Mercer, Hunterdon. Townships: East Amwell, West Amwell, Raritan, Readington.
New York: Franklin, Montgomery, Schenectady.
Puerto Rico: Aguadillo, Cabo Rojo, Culebra, Vieques.
Vermont: Addison, Chittenden, Bennington, Franklin.

In accordance with the authority contained in the above mentioned section, the following named counties in the States named are hereby declared "Modified Accredited Areas" for a period of three years from October 1, 1936, having completed the necessary retests for reaccreditation:

Counties

Arkansas: Conway, Sharp, Stone.
Florida: Taylor, Jefferson.
Georgia: Banks, Hall, Lincoln, Madison, Oconee, Rabun, Twiggs.
Idaho: Twin Falls, Washington.
Illinois: Clay.
Indiana: DeKalb, Wayne.
Kentucky: Laurel.
Michigan: Montcalm.
Mississippi: Lowndes.
Missouri: Cooper, Jefferson, Moniteau.
New Hampshire: Carroll.
New Jersey: Camden (reaccredited for two years).
New Mexico: San Miguel.
North Carolina: Sampson.
South Carolina: Berkeley, Chesterfield, Lancaster.
Tennessee: Cocke, Giles.
Virginia: Fauquier, Floyd, Highland.
Washington: Walla Walla.
West Virginia: Hampshire, Mercer.
Wisconsin: Polk.

This declaration shall supersede Declaration No. 11, dated July 1, 1936, and Amendments 1 and 2 thereto.

[SEAL] J. R. MOHLER,
Chief of Bureau.

[F. R. Doc. 3492—Filed, November 21, 1936; 12:14 p. m.]

[Amendment 1 to Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

NOVEMBER 2, 1936.

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in the States named, are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

New Jersey: Bergen, November 2, 1939; Warren, November 2, 1938.
Pennsylvania: Chester, November 2, 1939.
South Dakota: Buffalo, June 1, 1939; Roberts, June 1, 1939; Hughes, July 1, 1939; Potter, July 1, 1939; Sully, November 2, 1939.
Vermont: Orleans, November 2, 1939.

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in the States named, having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Alabama: Blount, November 2, 1939.
Arkansas: Crittenden, November 2, 1939.
Florida: Leon, November 2, 1939.
Idaho: Clearwater, November 2, 1939; Fremont, November 2, 1939.
Illinois: Richland, November 2, 1939.
Indiana: Clark, November 2, 1939; Scott, November 2, 1939; Sullivan, November 2, 1939; Whitley, November 2, 1939.
Iowa: Taylor, November 2, 1939.
Kansas: Cheyenne, November 2, 1939; Doniphan, November 2, 1939.
Kentucky: Hardin, November 2, 1939; Henderson, November 2, 1939; Hickman, November 2, 1939; Pendleton, November 2, 1939; Spencer, November 2, 1936; Whitley, November 2, 1939.
Maine: Franklin, November 2, 1939.
Minnesota: Beltrami, November 2, 1942; Koochiching, November 2, 1942.
Missouri: Livingston, November 2, 1939.
Nebraska: Seward, November 2, 1939.
New York: Bronx, November 2, 1939; Cattaragus, November 2, 1939; Chemung, November 2, 1939; Clinton, November 2, 1939; Columbia, November 2, 1939; Genesee, November 2, 1939; Kings, November 2, 1939; Nassau, November 2, 1939; New York, November 2, 1939; Orleans, November 2, 1939; Queens, November 2, 1939; Richmond, November 2, 1939; Rockland, November 2, 1939; Suffolk, November 2, 1939; Wayne, November 2, 1939.
North Carolina: Franklin, November 2, 1939; Lenoir, November 2, 1939; Wilson, November 2, 1939.
Pennsylvania: Erie, November 2, 1939; Luzerne, November 2, 1939; Potter, November 2, 1939.
South Carolina: Fairfield, November 2, 1939.
Texas: Fisher, November 2, 1939.
Virginia: Franklin, November 2, 1939; Northumberland, November 2, 1939; Wise, November 2, 1939.
West Virginia: Pocahontas, November 2, 1939; Wetzel, November 2, 1939.

[SEAL] J. R. MOHLER,
Chief of Bureau.

[F. R. Doc. 3493—Filed, November 21, 1936; 12:14 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

The Commission, at a General Session held on November 11, 1936, having under consideration Paragraph 25 (b) of the Ship Radiotelegraph Safety Instructions dated October 1, 1936, and the request of the American Steamship Owners Association dated September 28, 1936, for the exemption as provided in Article 29 of the International Convention for Promoting Safety of Life at Sea, 1929, of certain ships from the requirements of Section 2 (c) of Article 29 relating to the maintenance of watches, granted exemption for the period November 7, 1936, to February 6, 1937, both dates inclusive, as follows:

All cargo ships of the United States over 5,500 tons gross tonnage which are not included under the Ship Act of 1910 as amended but which are subject to the radio provisions of the International Convention for the Safety of Life at Sea, London, 1929, are exempted from the requirement of a continuous watch for the period above mentioned, provided that during such period such ships shall maintain a watch, by means of a licensed operator of the proper grade, of at least 8 hours per day in the aggregate.

[SEAL] JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 3495—Filed, November 23, 1936; 10:00 a. m.]

AMENDMENT RULE 229

The Commission, at a General Session held on November 11, 1936, amended Rule 229 to read in part, as follows:

3425 – 3430: 3427.5 "i" and "j" Government and aviation.
3430 – 3435: 3432.5 "i" and "j" Government and aviation.
3435 – 3440: 3437.5 "i" and "j" Government and aviation.
c3445 – 3450: 3447.5 Government and aviation.
3450 – 3455: 3452.5 Aviation.
3455 – 3460: 3457.5 Aviation.
5030 – 5035: 5032.5 Aviation.
7700 Aviation.
8070 Fixed and aviation.
9310 Aviation.
10950 – 10960: 10955 Aviation.

[SEAL] JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 3494—Filed, November 23, 1936; 10:00 a. m.]

INTERSTATE COMMERCE COMMISSION.

CLASS RATES WITHIN SOUTHERN TERRITORY

NOTICE

NOVEMBER 20, 1936.

To All Concerned:

Petitions have been filed with the Commission by the Joint Conference of Southern State Commissioners and Shippers, the State regulatory commissions of various southern States, the Southern Traffic League, the North Carolina Traffic League, the South Side Virginia Just Freight Rate Association, and certain other commercial organizations and shippers, alleging that the present class rates within southern territory are unjust and unreasonable and praying that the Commission institute an investigation into said class rates.

The Commission has decided to grant this request and is therefore prepared to enter an order instituting an investigation into the reasonableness of class rates within southern territory, to be defined as including the region bounded on the north by the line of the Norfolk and Western Railway Company between Norfolk, Va., and Kenova, W. Va., and the Ohio River between Kenova and Cairo, Ill., and on the west by the Mississippi River between Cairo and the Gulf of Mexico, excluding rates between local points on the line of the Chesapeake and Ohio Railway Company in Kentucky, and including rates between southern territory, on the one hand, and north-bank Ohio River crossings, the so-called southern Ohio group, and Helena, Ark., on the other hand. Such an investigation would be confined to class rates within southern territory, without including any interterritorial rates to or from such territory, and the issue would be limited to the matter of lawfulness under section 1 of the Interstate Commerce Act.

It is the belief of the Commission that, if such an investigation is instituted, requests will probably be made at once that it be broadened to include various related interterritorial rates, and perhaps that the issues be broadened also. It seems desirable that such matters be given consideration before the investigation is instituted rather than afterward.

Therefore, the Commission will receive, on or before December 12, 1936, communications with respect to the proposed investigation, either asking that it be broadened, stating explicitly what broadening is desired and why, or giving reasons why it should not be broadened but confined within the limits above indicated.

By the Commission.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 3504—Filed, November 23, 1936; 11:46 a. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 10th day of November A. D. 1936.

[No. MC 15792]

APPLICATION OF DONAT GAUDETTE FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of Donat Gaudette, of 19 Thorne Street, Worcester, Mass., for a Permit (Form BMC 10), to Extend Its Present Operation Filed on Form BMC 1, Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce, in the States of New Jersey, New York, Connecticut, and Massachusetts, Over the Following Routes

Route No. 1.—Between Worcester, Mass., and Newark, N. J.
Route No. 2.—Between Worcester, Mass., and Albany, N. Y.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner C. I. Kephart for hearing on the 21st day of December A. D. 1936, at 10 o'clock a. m. (standard time), at the Hotel Lenox, Boston, Mass., and for recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3497—Filed, November 23, 1936; 11:44 a. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 10th day of November A. D. 1936.

[No. MC 17732]

APPLICATION OF ANDREW P. KEEGAN FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of Andrew P. Keegan, Individual, Doing Business as K-K Golden Arrow Line, of 539 Albany Street, Boston, Mass., for a Permit (Form BMC 1), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce, in the States of Massachusetts, Connecticut, New York, and New Jersey, between Boston, Mass., and Newark, N. J.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner C. I. Kephart for hearing on the 18th day of December A. D. 1936, at 10 o'clock a. m. (standard time), at the Hotel Lenox, Boston, Mass., and for recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3498—Filed, November 23, 1936; 11:44 a. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 10th day of November A. D. 1936.

[No. MC 50512]

APPLICATION OF C. GEORGE MCLURE FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of C. George McLure, Individual, Doing Business as McLure Motor Transfer, of Boltonville, Vt., for a Permit (Form BMC 10, New Operation), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Granite, Lumber, Logs, and Beer, in Interstate Commerce, in the States of Vermont, New Hampshire, New York, Connecticut, and Massachusetts, over the Following Routes

Route No. 1.—Between Barre, Vt., and Rochester, N. Y.
Route No. 2.—Between Portsmouth, N. H., and Barre, Vt.
Route No. 3.—Between Barre, Vt., and New Haven, Conn., via Northampton, Mass.
Route No. 4.—Between Barre, Vt., and New York, N. Y., via Northampton, Mass., and New Haven, Conn.
Route No. 5.—Between South Ryegate, Vt., and Brooklyn, N. Y., via Northampton, Mass., and New Haven, Conn.
Route No. 6.—Between Groton, Vt., and Pike, N. H.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner C. I. Kephart for hearing on the 10th day of December A. D. 1936, at 10 o'clock a. m. (standard time), at the U. S. Court Rooms, Montpelier, Vt., and for recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3499—Filed, November 23, 1936; 11:44 a. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 10th day of November A. D. 1936.

[No. MC 50552]

APPLICATION OF STANLEY PANEK FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of Stanley Panek, Individual, Doing Business as Stanley's Petroleum Transport, of 248 North Water Street, New Bedford, Mass., for a Permit (Form BMC 10, New Operation), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce, in the States of Rhode Island, Massachusetts, Connecticut, New York, New Jersey, and Pennsylvania, over the Following Routes

Route No. 1.—Between New Bedford, Mass., and Philadelphia, Pa., via Providence, R. I., and New London, Conn., over U. S. Highway 6; R. I. Highways 3 and 84, and Conn. Highway 84. Thence to Philadelphia, Pa., via New York, N. Y., over U. S. Highway 1.

Route No. 2.—Between New Bedford, Mass., and Rome, N. Y., via Worcester, Mass., and Albany, N. Y., over U. S. Highways 20, 5 and 5–S, and Mass. Highway 140.

Also over irregular routes between New Bedford, Mass., and Providence, R. I., Boston and Abington, Mass.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner C. I. Kephart for hearing on the 14th day of December, A. D. 1936, at 10 o'clock a. m. (standard time), at the Hotel Lenox, Boston, Mass., and for recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3500—Filed, November 23, 1936; 11:45 a. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 10th day of November A. D. 1936.

[No. MC 50796]

APPLICATION OF ROY M. THORPE FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of Roy M. Thorpe, Individual, Doing Business as Thorpe Trucking, of 152 Franklin Street, Cambridge, Mass., for a Permit (Form BMC 10, New Operation), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of General Commodities and Contractors' Supplies in Interstate Commerce From and Between Points Located in the States of Massachusetts, New Hampshire, Rhode Island, and Vermont, Serving but not Limited to Somerville and Cambridge, Mass., Over Irregular Routes

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner C. I. Kephart for hearing on the 23d day of December A. D. 1936, at 10 o'clock a. m. (standard time), at the Hotel Lenox, Boston, Mass., and for recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3501—Filed, November 23, 1936; 11:45 a. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 10th day of November A. D. 1936.

[No. MC 77129]

APPLICATION OF HENRY G. PUFFER FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of Henry G. Puffer, of Townshend, Vt., for a Certificate of Public Convenience and Necessity (Form BMC 1), Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce, in the States of Vermont, Massachusetts, Connecticut, New York, New Hampshire, and Rhode Island Over the Following Routes

Route No. 1.—Between Brattleboro, Vt., and Boston, Mass.
Route No. 2.—Between Townshend, Vt., and New York, N. Y.
Route No. 3.—Between Brattleboro, Vt., and Providence, R. I.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner C. I. Kephart for hearing on the 16th day of December A. D. 1936, at 10 o'clock a. m. (standard time), at the Hotel Lenox, Boston, Mass., and for recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes neces-

sary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 3502—Filed, November 23, 1936; 11:45 a. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 10th day of November A. D. 1936.

[No. MC 86150]

APPLICATION OF ALPHONSO BIBEAU AND LOUIS BIBEAU FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of Alphonso Bibeau and Louis Bibeau, Co-partners, Doing Business as New Bedford and New York Transportation, of 266 Quequechan Street, Fall River, Mass., for a Permit (Form BMC 10, New Operation), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Pocketbooks and Hat and Dress Materials, in Interstate Commerce, in the States of Massachusetts, Connecticut, Rhode Island, and New York, Between New Bedford, Mass., and New York, N. Y.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner C. I. Kephart for hearing on the 14th day of December A. D. 1936, at 10 o'clock a. m. (standard time), at the Hotel Lenox, Boston, Mass., and for recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party, desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 3503—Filed, November 23, 1936; 11:46 a. m.]

[Fourth Section Application No. 16620]

COAL FROM RENICK, MO.

NOVEMBER 23, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: L. E. Kipp, Agent.
Commodity involved: Bituminous coal, in carloads.
From: Renick, Mo.
To: Points in Iowa and Minnesota.
Grounds for relief: Carrier competition; to maintain grouping.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 3506—Filed, November 23, 1936; 11:47 a. m.]

[Fourth Section Application No. 16619]

MATCHES TO BIRMINGHAM AND MONTGOMERY, ALA.

NOVEMBER 23, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: Central of Georgia Railway Company.
Commodity involved: Matches, in carloads, minimum weight 24,000 pounds.
From: Panama City, Fla., applicable only on traffic originating on the Pacific Coast and moving via the Panama Canal.
To: Birmingham and Montgomery, Ala.
Grounds for relief: Circuitous routes.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 3505—Filed, November 23, 1936; 11:46 a. m.]

[Ex Parte No. 115]

IN THE MATTER OF INCREASES IN FREIGHT RATES AND CHARGES

NOVEMBER 23, 1936.

Notice to All Concerned:

Upon consideration of the petition of the class I railroads dated and filed herein November 21, 1936, for extension of the existing emergency charges pending consideration of proposed changes in base rates, until 60 days after the Commission shall have made its decision upon the issues which will be heard at the hearings in this reopened proceeding beginning January 6, 1937, the Commission has reopened this proceeding for further oral argument at its office in Washington, D. C., December 10, 1936, 10 o'clock, a. m., upon the question whether the orders entered in this proceeding June 9, 1936, shall be modified so as to permit such emergency charges as may be in effect December 31, 1936, to remain in effect for some designated period beyond the latter date, or until sixty days after disposition of the issues concerning which this proceeding has been assigned for further hearing on January 6, 1937.

Parties making requests for assignment of time at the oral argument above referred to should bear in mind the limited time available for the argument and the consequent necessity of coordinating their presentation and avoiding duplication. Requests for assignment of time must reach the Commission not later than December 4, 1936.

By the Commission.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 3507—Filed, November 23, 1936; 12:47 p. m.]

ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23rd day of November A. D. 1936.

[Ex Parte No. 115]

IN THE MATTER OF INCREASES IN FREIGHT RATES AND CHARGES

Upon consideration of the petition of the applicant class I carriers, dated and filed herein November 21, 1936, for extension of existing emergency charges pending consideration of proposed changes in base rates, until sixty days after the Commission shall have made its decision upon the issues which will be heard at the hearings in this reopened proceeding beginning January 6, 1937.

It is ordered, That this proceeding be, and it is hereby, assigned for further oral argument before the Commission at its office, in Washington, D. C., December 10, 1936, 10 o'clock a. m., standard time, upon the question whether the emergency charges in effect on December 31, 1936, shall be permitted to continue for some designated period or pending the decision of the issues herein which are to be heard January 6, 1937, and for sixty days after such decision is made, and whether outstanding orders shall be modified to permit such continuance.

By the Commission.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3508—Filed, November 23, 1936; 12:47 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of November 1936.

IN THE MATTER OF THE PROCEEDING BEFORE THE SECURITIES AND EXCHANGE COMMISSION TO DETERMINE WHETHER W. E. HUTTON & CO., A PARTNERSHIP CONSISTING OF JAMES M. HUTTON, JAMES M. HUTTON, JR., JOHN CHRISTIE DUNCAN, CHARLES N. FOSTER, JOSEPH A. HALL, CARROLL V. GERAN, GEORGE C. RILEY, W. E. HUTTON, II, C. KENNETH SMITH, AND JOSEPH A. W. IGLEHART, AS PARTNERS; JOHN CHRISTIE DUNCAN, CARROLL V. GERAN, W. E. HUTTON, II, H. H. MICHELS SHOULD BE SUSPENDED OR EXPELLED FROM MEMBERSHIP ON CERTAIN NATIONAL SECURITIES EXCHANGES, PURSUANT TO SECTION 19 (A) (3) OF THE SECURITIES EXCHANGE ACT OF 1934

ORDER TO SHOW CAUSE AND FOR HEARING, DESIGNATING OFFICER, TIME, AND PLACE FOR TAKING TESTIMONY

I

Whereas, W. E. Hutton & Co. is now and has been at all times hereinafter mentioned, doing business as a co-partnership consisting of James M. Hutton, James M. Hutton, Jr., John Christie Duncan, Chas. N. Foster, Joseph A. Hall, Carroll V. Geran, George C. Riley, W. E. Hutton II, C. Kenneth Smith, and Joseph A. W. Iglehart as partners; and

Whereas, W. E. Hutton & Co. is now, and has been at all times hereinafter mentioned, a member of the New York Stock Exchange, the New York Curb Exchange, the Philadelphia Stock Exchange, the Baltimore Stock Exchange, the Detroit Stock Exchange, the Chicago Stock Exchange, the Cincinnati Stock Exchange, and the Board of Trade of the City of Chicago, all national securities exchanges registered pursuant to the Securities Exchange Act of 1934; and

Whereas John Christie Duncan, Carroll V. Geran, and W. E. Hutton, II, are now, and have been at all times hereinafter mentioned, within the meaning of Section 3 (a) (3) of the Securities Exchange Act of 1934, members of the exchanges whereon the said W. E. Hutton & Co. is a member; and

Whereas H. H. Michels is now, and has been at all times hereinafter mentioned, a partner of the firm of Wm. Cavalier & Co., which firm is now, and has been at all times hereinafter mentioned, a member of the New York Stock Exchange, the New York Curb Exchange, the San Francisco Stock Exchange, the San Francisco Curb Exchange, the Los Angeles Stock Exchange, and The Board of Trade of the City of Chicago, all national securities exchanges registered pursuant to the Securities Exchange Act of 1934, and such H. H. Michels is now, and has been at all times hereinafter mentioned, within the meaning of Section 3 (a) (3) of the Securities Exchange Act of 1934, a member of the exchanges whereon the said William Cavalier & Co. is a member; and

II

Whereas, the Commission has reason to believe that during the period beginning on or about November 1, 1935, and continuing to about August 1, 1936, the said W. E. Hutton & Co., John Christie Duncan, Carroll V. Geran, W. E. Hutton II, and H. H. Michels (hereinafter referred to as "the respondents") for the purpose of creating a false and misleading appearance of active trading in the common capital stock of the Atlas Tack Corporation, a security registered on the New York Stock Exchange pursuant to Section 12 of the Securities Exchange Act of 1934, as amended, which exchange is, and was during all times herein mentioned, a national securities exchange registered pursuant to such Act, and for the purpose of creating a false and misleading appearance with respect to the market for such security, directly and indirectly, used and caused to be used, the mails, divers means and instrumentalities of interstate commerce and the facilities of the New York Stock Exchange,

(1) to enter divers orders for the purchase of such security with the knowledge that orders of substantially the same size, at substantially the same time, and at substantially the same price, for the sale of such security, had been or would be entered by or for the same or different parties, contrary to the provisions of Section 9 (a) (1) (B) and Section 20 (b) of the Securities Exchange Act of 1934, and

(2) to enter divers orders for the sale of such security with the knowledge that orders of substantially the same size, at substantially the same time, and at substantially the same price, for the purchase of such security, had been or would be entered by or for the same or different parties, contrary to the provisions of Section 9 (a) (1) (C) and Section 20 (b) of the Securities Exchange Act of 1934; and

Whereas, the Commission has reason to believe that during the aforesaid period the respondents directly or indirectly, used and caused to be used the mails, divers means and instrumentalities of interstate commerce, and the facilities of the New York Stock Exchange to effect alone and with one or more other persons a series of transactions in such security on such New York Stock Exchange, creating actual and apparent active trading in such security and raising the price thereof, for the purpose of inducing the purchase thereof by others, contrary to the provisions of Section 9 (a) (2) and Section 20 (b) of the Securities Exchange Act of 1934; and

Whereas the Commission has reason to believe that during the aforesaid period the said respondents, being brokers selling and offering for sale and purchasing and offering to purchase the stock of Atlas Tack Corporation, directly or indirectly by the use of the mails, of divers means and instrumentalities of interstate commerce and of the facilities of The New York Stock Exchange, induced the purchase of said stock by circulating and disseminating in the ordinary course of business information to the effect that the price of the stock of Atlas Tack Corporation would rise because of the market operations of a group of persons conducted for the purpose of raising the price of said security, contrary to the provisions of Section 9 (a) (3) and Section 20 (b) of the Securities Exchange Act of 1934; and

Whereas the Commission has reason to believe that during the aforesaid period the said respondents, being brokers selling and offering to sell and purchasing and offering to purchase the stock of Atlas Tack Corporation, directly or indirectly made use of the mails, of divers means and instrumentalities of interstate commerce and of the facilities of The New York Stock Exchange, for the purpose of inducing the purchase of such security, to make numerous statements regarding such security, which were at the time and in the light of the circumstances under which they were made, false and misleading with respect to numerous material facts, and that such respondents knew or had reasonable grounds to believe that such statements were so false and misleading,

contrary to the provisions of Section 9 (a) (4) and Section 20 (b) of the Securities Exchange Act of 1934; and

III

Whereas the Commission has reason to believe, with reference to the particulars of the violations hereinabove described (but without limiting the generality of the foregoing),

(1) that the total number of shares of the common capital stock of Atlas Tack Corporation traded in between January 1, 1935, and November 14, 1935, was approximately 25,800, at prices ranging from $4.50 to $9.50 per share, and during such period the stock was traded in on only about 120 out of the 271 trading days,

(2) that on or about November 14, 1935, Herbert J. Adair purchased a block of about 37,000 shares of such stock (out of total outstanding shares of 94,531) from Guardian Securities Corporation, and thereupon Herbert J. Adair, W. E. Hutton II, John Christie Duncan, and W. E. Hutton & Co., together with Jerry McCarthy, a customer's man employed by W. E. Hutton & Co., arranged to dispose of and did dispose of approximately 34,000 shares of the stock purchased by Adair to a small group of individuals formed by such persons to purchase such shares,

(3) that as a part of such transactions culminating in the acquisition of such shares, Herbert J. Adair, W. E. Hutton, II, John Christie Duncan, W. E. Hutton & Co., did, together with H. H. Michels, enter into a scheme to effect a series of transactions in such security, creating actual and apparent active trading in such security and raising the price thereof, for the purpose of inducing the purchase thereof by others, and in furtherance of this scheme the respondents herein did induce numerous persons to purchase such stock on the New York Stock Exchange,

(4) that as a result of increased activity in trading in the stock of Atlas Tack Corporation caused and induced by respondents as a part of such scheme, there occurred a marked increase in the volume of shares traded in and a sharp rise in the price of such stock, in that (a) from November 14, 1935, to November 30, 1935, about 38,000 shares were traded in on such exchange, and the price increased from $9.50 per share to $15.25 per share; (b) during the month of December 1935, about 37,000 shares were traded in, and the price increased to $19.00 per share; (c) during the month of January 1936, about 32,600 shares were traded in, and the price increased to $26.875 per share and (d) during the month of February 1936, about 21,700 shares were traded in, and the price increased to $30.25 per share,

(5) that the activity above referred to was to a substantial extent induced, directly or indirectly, by the respondents, in that the respondents took an unusually active part in inducing the trading in such stock on such exchange, as evidenced by the fact that on numerous occasions the highest price of the day was established by purchases effected through respondent W. E. Hutton & Co., and on several days during the period in question such respondent as broker effected all the purchases which took place on such exchange, and during the period between November 7, 1935, and February 24, 1936, the respondents were, directly or indirectly, responsible for approximately 60% of the total purchases in the stock of the Atlas Tack Corporation on such exchange,

(6) that respondents induced the purchase of such stock by circulating and disseminating, or causing to be circulated and disseminated, in the ordinary course of business, rumors, statements, and representations to the effect that the price of such stock would rise because of the market operations of the small group of persons which as related aforesaid had been formed for the purpose of purchasing such shares from Herbert J. Adair and of certain persons of prominence in the automotive industry in Detroit and other persons, and that such persons were engaged in such market operations for the purpose of raising the price of such security,

(7) that the respondents made, or caused to be made, the following representations, among others, with respect to such security: that the stock would be split up; that the company would pay a dividend of $1 per share; that dividends on such stock would be increased; that the company would pay a dividend of $3 per share; that the company had obtained substantial contracts from the Ford Motor Company, from the General Motors Corporation, from the Chrysler Corporation, from the Briggs Corporation and from S. S. Kresge & Company; that a group of important persons in the automotive industry were buying the stock of the Atlas Tack Corporation; and that for reasons stated the stock would certainly increase substantially in price.

(8) that the representations so made, or caused to be made, by the respondents were both false and misleading, and the respondents knew or had reasonable grounds to believe that such statements were so false and misleading, in that, as the respondents and each of them well knew, the company was not expected to pay a dividend and had no earnings or expectation of earnings from which dividends could be paid, the company did not have any contracts with the Ford Motor Company, the General Motors Corporation, the Chrysler Corporation, the Briggs Corporation or S. S. Kresge & Company, or any of them, and respondents had no reasonable grounds to believe that the company would be able to obtain such contracts, and further, the respondents had no reasonable grounds to believe that the stock of the company would increase in price in any given amount apart from a false and manipulated increase in price as created by the respondents; and

IV

Whereas, the Commission is of the opinion that pursuant to Section 19 (a) (3) of the Securities Exchange Act of 1934, a hearing should be held to determine whether it is necessary and appropriate for the protection of investors to suspend for a period not exceeding 12 months, or to expel the said W. E. Hutton & Co., John Christie Duncan, Carroll V. Geran, and W. E. Hutton II from membership on the New York Stock Exchange, New York Curb Exchange, Philadelphia Stock Exchange, Detroit Stock Exchange, Baltimore Stock Exchange, Chicago Stock Exchange, Cincinnati Stock Exchange, and the Board of Trade of the City of Chicago, and to suspend for a period not exceeding 12 months, or to expel the said H. H. Michels from membership on the New York Stock Exchange, the New York Curb Exchange, San Francisco Stock Exchange, the San Francisco Curb Exchange, the Los Angeles Stock Exchange, and the Board of Trade of the City of Chicago;

It is hereby ordered, that the said W. E. Hutton & Co., John Christie Duncan, Carroll V. Geran, and W. E. Hutton II appear before an officer of the Commission and show cause why they and each of them should not be suspended for a period not exceeding 12 months, or expelled from membership on the New York Stock Exchange, the New York Curb Exchange, Philadelphia Stock Exchange, Baltimore Stock Exchange, Detroit Stock Exchange, Chicago Stock Exchange, Cincinnati Stock Exchange, and the Board of Trade of the City of Chicago, and that the said H. H. Michels should appear before such officer and show cause why he should not be suspended for a period not exceeding 12 months, or expelled from membership on the New York Stock Exchange, New York Curb Exchange, San Francisco Stock Exchange, San Francisco Curb Exchange, Los Angeles Stock Exchange, and the Board of Trade of the City of Chicago;

It is further ordered that for the purpose of such proceeding Edward C. Johnson, an officer of the Commission, be and hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and to require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry and to perform all other duties in connection therewith authorized by law; and

It is further ordered that a public hearing for the taking of testimony begin on the 7th day of December 1936, at 10:00 o'clock A. M. at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C, and continue thereafter at such times and places as said officer may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 3509—Filed, November 23, 1936; 12:56 p. m.]

United States of America—Before Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of November A. D. 1936.

[File No. 2-843]

IN THE MATTER OF REGISTRATION STATEMENT OF JOHN L. ETHERIDGE (KETTLEMAN HILLS SYNDICATE OF NORTH DOME ROYALTIES)

ORDER CHANGING DESIGNATION OF OFFICER AND FIXING TIME AND PLACE FOR TAKING EVIDENCE

The Commission having heretofore, on November 12, 1936, designated Robert P. Reeder, an officer of the Commission, to take testimony at a hearing to be held in this matter, under Section 8 (d) of the Securities Act of 1933, as amended, on November 20, 1936, and

The registrant having requested that such hearing be postponed, and that it be held in Los Angeles, California,

It is ordered that the foregoing designation of the said Robert P. Reeder is hereby rescinded, and

It is further ordered that the hearing in this matter be held on December 3, 1936, at 2 o'clock in the afternoon at the Office of the Securities and Exchange Commission, 650 South Spring Street, Los Angeles, California, and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Howard Judy, an officer of the Commission be, and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 3510—Filed, November 23, 1936; 12:56 p. m.]

United States of America—Before Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of November A. D. 1936.

[File No. 2-2549]

IN THE MATTER OF WASHINGTON NATIONAL CEMETERY CORP.

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT AND DISMISSING STOP ORDER PROCEEDINGS

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant made on November 19, 1936, consents to the withdrawal of the registration statement of the above-named registrant, and the said registration statement being so withdrawn, the Commission further dismisses a certain stop order proceeding under Section 8 (d) of the Securities Act of 1933, as amended, the said stop order proceedings having been heretofore on October 31, 1936, instituted and hearing having been opened on November 12, 1936, evidence received and hearing closed, with respect to the aforesaid registration statement, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 3511—Filed, November 23, 1936; 12:56 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of November 1936.

[File No. 1-420]

IN THE MATTER OF TEXAS GULF PRODUCING COMPANY COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

The Texas Gulf Producing Company, pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, having made application for withdrawal from listing and registration on the New York Curb Exchange 888,088 issued shares and 1,518 unissued shares of Common Stock, No Par Value; and

The Commission having considered the application and information pertinent thereto, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and hereby is granted, effective at the close of the trading session on November 30, 1936.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 3512—Filed, November 23, 1936; 12:56 p. m.]